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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,685	03/25/2004	Reginald Scott Raab		5364

7590 02/27/2006
Reginald Scott Raab
150 North Patterson
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EXAMINER

WILLATT, STEPHANIE L

ART UNIT PAPER NUMBER

3732

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,685	Applicant(s) RAAB, REGINALD SCOTT	
	Examiner Stephanie L. Willatt	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:
 - Lines 7-9 recite that the cavity (10) has a cutting tool (14). However, the cutting tool (14) is not located in the cavity (10).
 - In the second to last line of claim 1, "rap" should probably be --wrap--.Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 7, and 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Bean (US 2,113,439).

Bean discloses a combination toothbrush and floss dispenser and flossing device comprising an elongated shaft (handle 11), which comprises a brush head (brush portion 10) at one end. The brush head (brush portion 10) comprises a plurality of bristles. The end of the shaft (handle 11) opposite the brush head (brush portion 10) comprises a flossing device that is forked with two elongated prongs (curved prongs

25). The flossing device has an aperture (opening 22) through which floss may be pulled by a user. The floss device further comprises a non-slip knob (cleat 27) for attaching floss. A spool retaining floss cavity (receptacle 16) is located in the shaft (handle 11) and receives a spool of floss (17). A cutting tool (metal band 20) is located at the opening of the cavity (receptacle 16), as discussed in lines 39-51 of column 1 of page 2. As shown in Figure 1, floss (17) can be pulled from the spool and wrapped around the knob (cleat 27) across the prongs (curved prongs 25) and secured to the knob (cleat 27). The prongs (25) are grooved at notches (26). The brush head (10) and flossing device are both angled at a previously determined degree. The device is made of two pieces. The device is made of plastic, as discussed in column 2 of page 1, lines 9-14. The length of the shaft may be a variety of different lengths. The floss (17) is not defined as being either flavored or unflavored. However, it must be one or the other, since there are no other alternatives.

Bean discloses that the flossing device has a male member (plug 23) and the shaft has a corresponding female member at threaded portion (19). This configuration is the reverse of the configuration of the present invention as recited in claim 1 with the shaft having the male member and the flossing device having the female member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the invention of bean with the shaft having the male member and the flossing device having the female member, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 104 USPQ 400 (CCPA 1955).

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean (US 2,113,439) in view Garcia et al. (US 2003/0188761).

Bean discloses the features discussed above, but does not disclose that the length of the floss is intended to correlate to the recommended life of the toothbrush. Bean also does not disclose that there is text, graphics, designs and colors on the device. Garcia et al. teach the idea of providing a length of floss that correlates to the recommended life of the toothbrush in paragraph [0045]. Garcia et al. teach the addition of text, graphics, designs and colors on a toothbrush/flosser combination in paragraph [0054] and claim 9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the invention of Bean with a length of floss that correlates to the recommended life of the toothbrush, as taught by Garcia et al., so that the toothbrush and floss can be replaced at the same time. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the invention of Bean with text, graphics, designs and colors on a toothbrush/flosser combination, as taught by Garcia et al., in order to enhance aesthetic appeal of the invention.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean (US 2,113,439) in view Guadiana (US 5,365,956).

Bean discloses the features discussed above, but does not disclose a protective sheath for the prongs. Guadiana teaches a sheath (cover 30) for protecting a flossing device in column 4, lines 23-26. It would have been obvious to one having ordinary skill

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in the art at the time the invention was made to include a protective sheath on the prongs of Bean, as taught by Guadiana, in order to protect the prongs from contamination.


Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rose teaches a cap for a flossing device. Kupperman et al. discloses a toothbrush/flossing device combination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


slw


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SUPERVISORY PATENT EXAMINER
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